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LEGISLATIVE HISTORY

Public Law 120--78th Congress

Chapter 197---1st Session

H. R. 6

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DIGEST OF PUBLIC LAW 120

ADJUSTMENTS OF LAND TITLES. Authorizes the Secretary of Agriculture to adjust titles to lands acquired by the U. S. subject to his administration, custody, or control, within 10 years after acquisition of such land.

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Summary and Index of History on H. R. 6.

January 6, 1943	Introduced by Mr. Fulmer and referred to the Committee on Agriculture. Print of bill as introduced.
May 4, 1943	House Committee on Agriculture reported without amendment. H. Rept. 406.
May 17, 1943	Passed House without amendment.
May 19, 1943	Referred to Senate Committee on Agriculture and Forestry. Print of bill as referred to Committee.
June 22, 1943	Senate Committee reported without amendment. S. Rept. 327.
July 3, 1943	Passed Senate without amendment.
July 3, 1943	Approved. Public Law 120.



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date  
table





78TH CONGRESS  
1ST SESSION

# H. R. 6

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1943

Mr. FULMER introduced the following bill; which was referred to the Committee on Agriculture

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## A BILL

To authorize the Secretary of Agriculture to adjust titles to lands acquired by the United States which are subject to his administration, custody, or control.

1      *Be it enacted by the Senate and House of Representa-*  
2      *tives of the United States of America in Congress assembled,*  
3      That if the Secretary of Agriculture shall find within ten  
4      years after the acquisition by the United States of any land  
5      or interest therein which is subject to his administration,  
6      custody, or control, other than land acquired by exchange  
7      of public domain land or resources, that the title thereto is  
8      legally insufficient for the purposes for which such land or  
9      interest was acquired and no consideration therefor has been

1 paid by the United States, or that title or color of title to  
2 such land or interest was acquired through mistake, mis-  
3 understanding, error, or inadvertence, he is hereby author-  
4 ized to execute and deliver on behalf of and in the name of  
5 the United States to the person from whom the title was  
6 acquired or to the person whom he finds entitled thereto a  
7 quitclaim deed to such land or interest: *Provided, however,*  
8 That if the person to whom such deed is made is the same  
9 person from whom the United States acquired title, or his  
10 successor in interest, any consideration given by the United  
11 States for such land or interest shall be restored or, in lieu  
12 thereof, the value equivalent of such consideration as deter-  
13 mined by the Secretary of Agriculture shall be paid to the  
14 United States; and any consideration or value equivalent  
15 so restored or paid shall, so far as is practicable, be restored  
16 to the jurisdiction, or deposited to the credit, of the depart-  
17 ment, agency, appropriation, or fund from which the con-  
18 sideration was transferred or paid at the time of the acquisi-  
19 tion of title by the United States.



78<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

# H. R. 6

## A BILL

To authorize the Secretary of Agriculture to adjust titles to lands acquired by the United States which are subject to his administration, custody, or control.

By Mr. FULMER

JANUARY 6, 1943

Referred to the Committee on Agriculture

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## ADJUST TITLES TO LANDS

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MAY 4, 1943.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

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Mr. FULMER, from the Committee on Agriculture, submitted the following

### REPORT

[To accompany H. R. 6]

The Committee on Agriculture, to whom was referred the bill (H. R. 6), to authorize the Secretary of Agriculture to adjust titles to lands acquired by the United States which are subject to his administration, custody, or control, having considered the same, report thereon with a recommendation that it do pass.

The proposed legislation has been requested by the Department of Agriculture, as will be noted from the following letter from the Acting Secretary:

DEPARTMENT OF AGRICULTURE,  
*Washington, July 3, 1942.*

The honorable the SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEAR MR. SPEAKER: There is enclosed for the consideration of Congress a draft of a bill entitled "A bill to authorize the Secretary of Agriculture to adjust titles to lands acquired by the United States which are subject to his administration, custody, or control." The need for the legislation arises out of the following circumstances.

For many years the Department of Agriculture has carried on relatively large land-acquisition programs under the authority of various acts of Congress, including among others, the Weeks forestry law (36 Stat. 961) and the Bankhead-Jones Farm Tenant Act (50 Stat. 522). In connection with these programs, experience has shown that occasional mistakes will inevitably occur in both direct purchase and condemnation cases. Typographical errors in deeds to the United States and condemnation pleadings, erroneous surveys of tract boundaries, and mistakes in abstracting titles are typical of the errors which occur. Sometimes the result is that the United States takes a title which it did not intend to take and which its grantor did not intend to convey, although the land may have been owned by the grantor. In other instances, land owned by a third party is inadvertently described in a deed or condemnation proceeding and a cloud is thus cast upon his title. In these cases, obviously, full equity requires that the interest of the United States should be relinquished to the proper parties. In addition, in some cases not involving mistakes it is occasionally desirable to revert title in the Government's grantor. For example, sometimes a deed to the United States is executed



and recorded before the title is approved by the Attorney General and it subsequently proves impossible to comply with the requirements of the Attorney General so as to complete the acquisition by direct purchase. In such a case it may be more in the public interest to drop the acquisition and revest the title rather than institute condemnation proceedings. There are other less numerous circumstances under which extinguishment of the record interest of the United States would be equitable and desirable, but those mentioned will serve to illustrate the general problem with which this Department is concerned.

To cope with this problem adequately we believe that a general law similar to the enclosed draft, which would authorize the Secretary of Agriculture to quitclaim the interest of the United States under certain conditions, would be highly desirable. Although such authority already exists under some of the land-acquisition programs of this Department, it does not exist with respect to all such programs. In the past, where such authority does not exist, the Secretary has executed disclaimers of title, or in some cases special legislation relinquishing the interest of the United States has been obtained. Neither of these procedures, however, has been satisfactory. Disclaimers are of doubtful legal effect. To obtain special legislation is necessarily cumbersome and burdensome to the private parties involved, to the Department, and to Congress. That there is need for general legislation on this subject, therefore, seems clear.

A brief analysis of the proposed bill may be helpful. It will be noted first that the bill is drawn so as to be applicable to all lands acquired by the United States which are subject to the administration, custody, or control of the Secretary of Agriculture. Although, as indicated above, the authority which the bill would confer already exists with respect to some of the land-acquisition programs of this Department, either by express provision or by necessary implication, it is thought desirable to phrase the suggested legislation in general terms so as to avoid the possibility of inadvertently omitting some land-acquisition programs.

The bill would authorize the Secretary to quitclaim the interest of the United States in land subject to his administration upon either of two findings by him. One is a finding that title to the land is legally insufficient for the purposes for which it was acquired. This finding must be coupled with the fact that no consideration has been paid by the United States for the land involved. Upon such finding a reconveyance could be made where it is discovered after a deed has been taken that title cannot be cleared so as to complete the transaction by direct purchase and it is administratively preferable to drop the acquisition rather than resort to condemnation proceedings. The second is a finding that the title was acquired by mistake, misunderstanding, error, or inadvertence. The bill further provides, in effect, that if the quitclaim deed is in favor of the person from whom the United States acquired title, or his successor in interest, the United States shall be made whole for any consideration paid by it for the land being reconveyed. This means that the consideration given, whether cash or other property, would be required to be returned if possible. Otherwise, the value equivalent of the consideration as determined by the Secretary of Agriculture, either in cash or property, would be required to be paid or given to the United States. On the other hand, if the quitclaim deed is in favor of a third party whose title has been wrongfully eluded, restitution of any consideration paid by the United States, of course, would not be a condition precedent to the execution and delivery of such deed. The reason for this is obvious. The bill also would limit the authority to quitclaim to a period of 10 years after the acquisition by the United States of the land involved. It is believed that this is sufficient time to allow for the adjustment of titles in cases of claims made in good faith. To allow a longer period of time or to omit any time limitation would invite demands for restoration of titles based on old claims when the officers of the Government who conducted the original transactions are no longer in the Government service or their recollection of the circumstances has become hazy, and when the detailed records relating to such transactions may have become lost or destroyed.

It is believed that the proposed bill adequately safeguards the interest of the United States and that it provides a proper remedy for the problem discussed above. Its favorable consideration by Congress is, therefore, recommended.

The Bureau of the Budget advises that it has no objection to the submission of this legislation for the consideration of the Congress.

Sincerely,

PAUL H. APPLEBY,  
Acting Secretary.



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granted by article \* *Provided however*, That the grantees of such rights shall pay to the political subdivisions of the State in which such works are located, each and every year during which such rights are enjoyed for such purposes, a sum of money equivalent to the average annual amount of taxes assessed against the lands and improvements during the 10 years preceding the use of such lands, in reimbursement for the loss of taxes to said political subdivisions of the State.

#### "ARTICLE VIII

"Should any facility be constructed in an upper State under the provisions of article VI, such construction and the operation of such facility shall be subject to the laws of such upper State.

"Any repairs to or replacements of such facility shall also be made in accordance with the laws of such upper State.

#### "ARTICLE IX

"It shall be the duty of the three States to administer this compact through the official in each State who is now or may hereafter be charged with the duty of administering the public water supplies, and to collect and correlate through such officials the data necessary for the proper administration of the provisions of this compact. Such officials may, by unanimous action, adopt rules and regulations consistent with the provisions of this compact.

"The United States Geological Survey, or whatever Federal agency may succeed to the functions and duties of that agency, insofar as this compact is concerned, shall collaborate with the officials of the States charged with the administration of this compact in the execution of the duty of such officials in the collection, correlation, and publication of water facts necessary for the proper administration of this compact.

#### "ARTICLE X

"Nothing in this compact shall be deemed: (a) To impair or affect any rights, powers, or jurisdiction of the United States, or those acting by or under its authority, in, over, and to the waters of the basin; nor to impair or affect the capacity of the United States, or those acting by or under its authority, to acquire rights in and to the use of waters of the basin;

"(b) To subject any property of the United States, its agencies, or instrumentalities, to taxation by any State, or subdivision thereof, nor to create an obligation on the part of the United States, its agencies or instrumentalities, by reason of the acquisition, construction, or operation of any property or works of whatsoever kind, to make any payments to any State or political subdivision thereof, State agency, municipality, or entity whatsoever in reimbursement for the loss of taxes;

"(c) To subject any property of the United States, its agencies or instrumentalities, to the laws of any State to any extent other than the extent these laws would apply without regard to this compact.

#### "ARTICLE XI

"This compact shall become operative when ratified by the legislature of each of the States, and when consented to by the Congress of the United States by legislation providing, among other things, that:

"(a) Any beneficial consumptive uses by the United States, or those acting by or under its authority, within a State, of the waters allocated by this compact, shall be made within the allocations hereinabove made for use in that State and shall be taken into account in determining the extent of use within that State.

"(b) The United States, or those acting by or under its authority, in the exercise of rights or powers arising from whatever jurisdiction the United States has in, over, and to the waters of the Basin shall recognize, to the extent consistent with the best utilization

of the waters for multiple purposes, that beneficial consumptive use of the waters within the Basin is of paramount importance to the development of the Basin; and no exercise of such power or right thereby that would interfere with the full beneficial consumptive use of the waters within the Basin shall be made except upon a determination, giving due consideration to the objectives of this compact and after consultation with all interested Federal agencies and the State officials charged with the administration of this compact, that such exercise is in the interest of the best utilization of such waters for multiple purposes.

"(c) The United States, or those acting by or under its authority, will recognize any established use, for domestic and irrigation purposes, of the waters allocated by this compact which may be impaired by the exercise of Federal jurisdiction in, over, and to such waters: *Provided*, That such use is being exercised beneficially, is valid under the laws of the appropriate State and in conformity with this compact at the time of the impairment thereof, and was validly initiated under State law prior to the initiation or authorization of the Federal program or project which causes such impairment.

"In witness whereof the commissioners have signed this compact in quadruplicate original, one of which shall be deposited in the archives of the Department of State of the United States of America and shall be deemed the authoritative original, and of which a duly certified copy shall be forwarded to the Governor of each of the States. "Done in the city of Lincoln, in the State of Nebraska, on the 31st day of December, in the year of our Lord 1942.

"M. C. HINDERLIDER,

"Commissioner for Colorado.

"GEORGE S. KNAPP,

"Commissioner for Kansas.

"WARDNER G. SCOTT,

"Commissioner for Nebraska.

"I have participated in the negotiations leading to this proposed compact and propose to report to the Congress of the United States favorably thereon.

"GLENN L. PARKER,

"Representative of the United States."

SEC. 2. (a) In order that the conditions stated in article XI of the compact hereby consented to shall be met and that the compact shall be and continue to be operative, the following provisions are enacted—

(1) Any beneficial consumptive uses by the United States, or those acting by or under its authority, within a State, of the waters allocated by such compact, shall be made within the allocations made by such compact for use in that State and shall be taken into account in determining the extent of use within that State;

(2) The United States, or those acting by or under its authority, in the exercise of rights or powers arising from whatever jurisdiction the United States has in, over, and to the waters of the Basin shall recognize, to the extent consistent with the best utilization of the waters for multiple purposes, that beneficial consumptive use of the waters within the Basin is of paramount importance to the development of the Basin; and no exercise of such power or right thereby that would interfere with the full beneficial consumptive use of the waters within the Basin shall be made except upon a determination, giving due consideration to the objectives of such compact and after consultation with all interested Federal agencies and the State officials charged with the administration of such compact, that such exercise is in the interest of the best utilization of such waters for multiple purposes;

(3) The United States, or those acting by or under its authority, will recognize any established use, for domestic and irrigation purposes, of the waters allocated by such compact which may be impaired by the ex-

ercise of Federal jurisdiction in, over, and to such waters: *Provided*, That such use is being exercised beneficially, is valid under the laws of the appropriate State and in conformity with such compact at the time of the impairment thereof, and was validly initiated under State law prior to the initiation or authorization of the Federal program or project which causes such impairment.

(b) As used in this section—

(1) "Beneficial consumptive uses" has the same meaning as when used in the compact consented to by Congress by this act; and

(2) "Basin" refers to the Republican River Basin as shown on the map attached to and made a part of the original of such compact deposited in the archives of the Department of State.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 2482) was laid on the table.

#### TITLES TO LANDS ACQUIRED BY THE UNITED STATES

The Clerk called the next bill, H. R. 6, to authorize the Secretary of Agriculture to adjust titles to lands acquired by the United States which are subject to his administration, custody, or control.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CUNNINGHAM. Reserving the right to object, Mr. Speaker, I should like to ask a question of the gentleman from South Carolina, [Mr. FULMER], the author of the bill. Does this bill apply to titles to lands acquired by the United States Government through the foreclosure of farm mortgages where there is an error in the description, either by conveyancing or in the foreclosure proceeding? Would it go that far?

Mr. FULMER. I am not sure that I could answer the gentleman to that extent.

For many years the Department of Agriculture has carried on large land-acquisition programs under the authority of various acts of Congress. In connection with these purchases, experience has shown that occasional mistakes will occur, in both direct purchase and condemnation cases.

The purpose of this bill is to authorize the Secretary to quitclaim the interest of the United States in land subject to his administration upon either of two findings:

First. Is a finding that title to the land is legally insufficient for the purposes for which it was acquired? This finding must be coupled with the fact that no consideration has been paid by the United States for the land involved.

Second. Is a finding that the title was acquired by mistake, misunderstanding, error, and so forth?

Mr. CUNNINGHAM. The purpose of my question is this: I understand that in the taking of these farm mortgages in the name of the Government there have been instances where the conveyancer, in the drawing of the mortgage, for instance, would include a part of the description of a neighbor's farm. That erroneous description would carry clear through the foreclosure proceed-



ings and not be discovered until after the issuance of the sheriff's deed under foreclosure. My question is whether or not under this bill the Secretary of Agriculture would have the power to execute a quitclaim deed to a farm owner whose property was erroneously included in the description.

Mr. FULMER. According to my understanding, it would. That is one of the real purposes of the bill.

Mr. CUNNINGHAM. I think it is a very excellent bill, Mr. Speaker, and I withdraw by reservation of objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That if the Secretary of Agriculture shall find within 10 years after the acquisition by the United States of any land or interest therein which is subject to his administration, custody, or control, other than land acquired by exchange of public domain land or resources, but the title thereto is legally insufficient for the purposes for which such land or interest was acquired and no consideration therefor has been paid by the United States, or that title or color of title to such land or interest was acquired through mistake, misunderstanding, error, or inadvertence, he is hereby authorized to execute and deliver on behalf of and in the name of the United States to the person from whom the title was acquired or to the person whom he finds entitled thereto a quitclaim deed to such land or interest: *Provided, however,* That if the person to whom such deed is made is the same person from whom the United States acquired title, or his successor in interest, any consideration given by the United States for such land or interest shall be restored or, in lieu thereof, the value equivalent of such consideration as determined by the Secretary of Agriculture shall be paid to the United States; and any consideration or value equivalent so restored or paid shall, so far as is practicable, be restored to the jurisdiction, or deposited to the credit, of the department, agency, appropriation, or fund from which the consideration was transferred or paid at the time of the acquisition of title by the United States.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### DISTRIBUTION OF FERTILIZERS OR SEEDS BY AGENCIES OF THE UNITED STATES

The Clerk called the next bill, H. R. 1336, making certain regulations with reference to fertilizers or seeds that may be distributed by agencies of the United States.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That when the Department of Agriculture or any other agency of the United States Government shall distribute seeds or fertilizer, or soil conditioning or fertilizer material to farmers, it shall be the duty of the officers or employees or agents distributing same to comply with and be subject to the inspection laws of the State within which such seeds or fertilizer, or soil conditioning or fertilizer material is distributed with reference to any such seeds or fertilizer or soil conditioning or fertilizer material and such officers, employees, or agents are hereby authorized and directed to comply with such inspection laws.

With the following committee amendments:

Page 1, line 5, strike out "or" and insert "livestock and poultry feed, nursery stock." Line 9, strike out "or" and insert "livestock and poultry feed, nursery stock."

Page 2, line 1, strike out "or" and insert "livestock and poultry feed, nursery stock."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed, and a motion to reconsider was laid on the table.

#### ANNIVERSARY OF THE INAUGURATION OF AIR MAIL SERVICE

The Clerk called the joint resolution (H. J. Res. 103) commemorating May 15, 1943, as the anniversary of the inauguration of Air Mail Service.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. COLE of New York. Reserving the right to object, Mr. Speaker, this measure designates May 15, 1943, as the day to commemorate the inauguration of the first Air Mail Service by the United States Government. It directs the Secretary of the Treasury to prepare a suitable plaque. In view of the fact that that date has already been passed, I am curious to know the reason for continuing this bill.

Mr. BULWINKLE. Mainly on account of the plaque.

Mr. COLE of New York. Can the gentleman tell the House the approximate cost of this plaque?

Mr. BULWINKLE. My recollection is that the matter was mentioned in the committee, and that it was stated that the plaque would cost only a nominal amount.

Mr. COLE of New York. Can the gentleman describe the type of plaque that is proposed to be prepared?

Mr. BULWINKLE. No; I cannot.

This bill was introduced on March 31, but was brought up in our committee just last week. It was stated then that May 15 would be passed before action could be taken on the resolution, but that it would give authority for the designation of that date so we would have it in mind that that was the date of the first flight, and also the preparation of this plaque would be authorized. My recollection is that the cost was stated to be under \$1,000.

Mr. COLE of New York. No doubt the plaque will be made of bronze or some other critical war material. In view of the fact that the date has already passed, it seems to me rather unnecessary to continue the bill.

Mr. BULWINKLE. I think the gentleman should let it go on, because this plaque is to be placed in the Post Office Department. It would not make any particular difference whether it was put up on the 15th or on the 30th.

Mr. COLE of New York. This will be a posthumous recognition of the twenty-fifth anniversary?

Mr. BULWINKLE. Yes. We have to do that occasionally when we do not get these bills up for consideration in time.

Mr. COLE of New York. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Clerk read the joint resolution, as follows:

*Resolved, etc.,* That May 15, 1943, be designated as a day of commemoration of the twenty-fifth anniversary of the inauguration by the United States Post Office Department of the air-mail service, and the Secretary of the Treasury is authorized and directed to prepare a suitable plaque to be presented on that date to the Postmaster General to mark the occasion.

With the following committee amendment:

Page 1, line 7, strike out "on that date."

The committee amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

#### SANTA CLARA PUEBLO OF NEW MEXICO

The Clerk called the next bill, H. R. 123, to authorize a per capita payment of \$10 to the members of the Santa Clara Pueblo of New Mexico from funds on deposit to their credit in the Treasury of the United States.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury so much as may be necessary of the funds to the credit of the Santa Clara Pueblo in the State of New Mexico which have accrued under the act of March 4, 1929 (45 Stat. 1586), and to make therefrom a payment of not to exceed \$10 to each member of the pueblo, under such rules and regulations as said Secretary may prescribe.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### CROW INDIANS

The Clerk called the next bill, H. R. 2105, extending time for repayment and authorizing increase in revolving fund for benefit of Crow Indians.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Reserving the right to object, Mr. Speaker, I should like to have an explanation from the gentleman from Montana of the purpose of the bill, since the report is rather incomplete.

Mr. O'CONNOR. The purpose of the bill is to authorize an extension of time for the repayment of loans made from the tribal funds amounting to \$50,000. These loans are made to the members of the tribe for the purpose of purchasing seed, farm implements, livestock, and so forth. Such a procedure was authorized by the act of June 4, 1920. The time has been extended from time to time until now it expires in 1945. The purpose of extending it now is so that loans may be made, laying the foundation for their repayment after 1945. In other words, if we did not pass this legislation, all loans would have to be liquidated by that time. When you make a loan to







78TH CONGRESS  
1ST SESSION

# H. R. 6

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IN THE SENATE OF THE UNITED STATES

MAY 19, 1943

Read twice and referred to the Committee on Agriculture and Forestry

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## AN ACT

To authorize the Secretary of Agriculture to adjust titles to lands acquired by the United States which are subject to his administration, custody, or control.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That if the Secretary of Agriculture shall find within ten  
4       years after the acquisition by the United States of any land  
5       or interest therein which is subject to his administration,  
6       custody, or control, other than land acquired by exchange  
7       of public domain land or resources, but the title thereto is  
8       legally insufficient for the purposes for which such land or  
9       interest was acquired and no consideration therefor has been  
10      paid by the United States, or that title or color of title to

1 such land or interest was acquired through mistake, mis-  
2 understanding, error, or inadvertence, he is hereby author-  
3 ized to execute and deliver on behalf of and in the name of  
4 the United States to the person from whom the title was  
5 acquired or to the person whom he finds entitled thereto a  
6 quitclaim deed to such land or interest: *Provided, however,*  
7 That if the person to whom such deed is made is the same  
8 person from whom the United States acquired title, or his  
9 successor in interest; any consideration given by the United  
10 States for such land or interest shall be restored or, in lieu  
11 thereof, the value equivalent of such consideration as deter-  
12 mined by the Secretary of Agriculture shall be paid to the  
13 United States; and any consideration or value equivalent  
14 so restored or paid shall, so far as is practicable, be restored  
15 to the jurisdiction, or deposited to the credit, of the depart-  
16 ment, agency, appropriation, or fund from which the con-  
17 sideration was transferred or paid at the time of the acquisi-  
18 tion of title by the United States.

Passed the House of Representatives May 17, 1943.

Attest:

SOUTH TRIMBLE,

*Clerk.*





78<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

# H. R. 6

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## AN ACT

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To authorize the Secretary of Agriculture to adjust titles to lands acquired by the United States which are subject to his administration, custody, or control.

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May 19, 1943

Read twice and referred to the Committee on  
Agriculture and Forestry

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## ADJUSTING TITLES TO LANDS ACQUIRED BY THE UNITED STATES

JUNE 22 (legislative day, MAY 24), 1943.—Ordered to be printed

Mr. McNARY, from the Committee on Agriculture and Forestry,  
submitted the following

### REPORT

[To accompany H. R. 6]

The Committee on Agriculture and Forestry, to whom was referred the bill (H. R. 6) to authorize the Secretary of Agriculture to adjust titles to lands acquired by the United States which are subject to his administration, custody, or control, after having considered the same, report thereon favorably with the recommendation that the bill do pass.

An explanation of the bill is contained in the House Report No. 406 which is attached hereto and titled "Exhibit A."

### EXHIBIT A

[H. Rept. No. 406, 78th Cong., 1st sess.]

The Committee on Agriculture, to whom was referred the bill (H. R. 6), to authorize the Secretary of Agriculture to adjust titles to lands acquired by the United States which are subject to his administration, custody, or control, having considered the same, report thereon with a recommendation that it do pass.

The proposed legislation has been requested by the Department of Agriculture, as will be noted from the following letter from the Acting Secretary:

DEPARTMENT OF AGRICULTURE,  
Washington, July 3, 1942.

The honorable the SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEAR MR. SPEAKER: There is enclosed for the consideration of Congress a draft of a bill entitled "A bill to authorize the Secretary of Agriculture to adjust titles to lands acquired by the United States which are subject to his administration, custody, or control." The need for the legislation arises out of the following circumstances.

For many years the Department of Agriculture has carried on relatively large land-acquisition programs under the authority of various acts of Congress, including among others, the Weeks forestry law (36 Stat. 961) and the Bankhead-Jones Farm Tenant Act (50 Stat. 522). In connection with these programs, experience has shown that occasional mistakes will inevitably occur both in direct purchase and condemnation cases. Typographical errors in deeds to the United States and condemnation pleadings, erroneous surveys of tract boundaries, and mistakes in abstracting titles are typical of the errors which occur. Sometimes the result is that the United States takes a title which it did not intend to take and which its grantor did not intend to convey, although the land may have been owned by the grantor. In other instances, land owned by a third party is inadvertently described in a deed or condemnation proceeding and a cloud is thus cast upon his title. In these cases, obviously, full equity requires that the interest of the United States should be relinquished to the proper parties. In addition, in some cases not involving mistakes it is occasionally desirable to revert title in the Government's grantor. For example, sometimes a deed to the United States is executed and recorded before the title is approved by the Attorney General and it subsequently proves impossible to comply with the requirements of the Attorney General so as to complete the acquisition by direct purchase. In such a case it may be more in the public interest to drop the acquisition and revert the title rather than institute condemnation proceedings. There are other less numerous circumstances under which extinguishment of the record interest of the United States would be equitable and desirable, but those mentioned will serve to illustrate the general problem with which this Department is concerned.

To cope with this problem adequately we believe that a general law similar to the enclosed draft, which would authorize the Secretary of Agriculture to quitclaim the interest of the United States under certain conditions, would be highly desirable. Although such authority already exists under some of the land-acquisition programs of this Department, it does not exist with respect to all such programs. In the past, where such authority does not exist, the Secretary has executed disclaimers of title, or in some cases special legislation relinquishing the interest of the United States has been obtained. Neither of these procedures, however, has been satisfactory. Disclaimers are of doubtful legal effect. To obtain special legislation is necessarily cumbersome and burdensome to the private parties involved, to the Department, and to Congress. That there is need for general legislation on this subject, therefore, seems clear.

A brief analysis of the proposed bill may be helpful. It will be noted first that the bill is drawn so as to be applicable to all lands acquired by the United States which are subject to the administration, custody, or control of the Secretary of Agriculture. Although, as indicated above, the authority which the bill would confer already exists with respect to some of the land-acquisition programs of this Department, either by express provision or by necessary implication, it is thought desirable to phrase the suggested legislation in general terms so as to avoid the possibility of inadvertently omitting some land-acquisition programs.

The bill would authorize the Secretary to quitclaim the interest of the United States in land subject to his administration upon either of two findings by him. One is a finding that title to the land is legally insufficient for the purposes for which it was acquired. This finding must be coupled with the fact that no consideration has been paid by the United States for the land involved. Upon such finding a reconveyance could be made where it is discovered after a deed has been taken that title cannot be cleared so as to complete the transaction by direct purchase and it is administratively preferable to drop the acquisition rather than resort to condemnation proceedings. The second is a finding that the title was acquired by mistake, misunderstanding, error, or inadvertence. The bill further provides, in effect, that if the quitclaim deed is in favor of the person from whom the United States acquired title, or his successor in interest, the United States shall be made whole for any consideration paid by it for the land being reconveyed. This means that the consideration given, whether cash or other property, would be required to be returned if possible. Otherwise, the value equivalent of the consideration as determined by the Secretary of Agriculture, either in cash or property, would be required to be paid or given to the United States. On the other hand, if the quitclaim deed is in favor of a third party whose title has been wrongfully clouded, restitution of any consideration

paid by the United States, of course, would not be a condition precedent to the execution and delivery of such deed. The reason for this is obvious. The bill also would limit the authority to quitclaim to a period of 10 years after the acquisition by the United States of the land involved. It is believed that this is sufficient time to allow for the adjustment of titles in cases of claims made in good faith. To allow a longer period of time or to omit any time limitation would invite demands for restoration of titles based on old claims when the officers of the Government who conducted the original transactions are no longer in the Government service or their recollection of the circumstances has become hazy, and when the detailed records relating to such transactions may have become lost or destroyed.

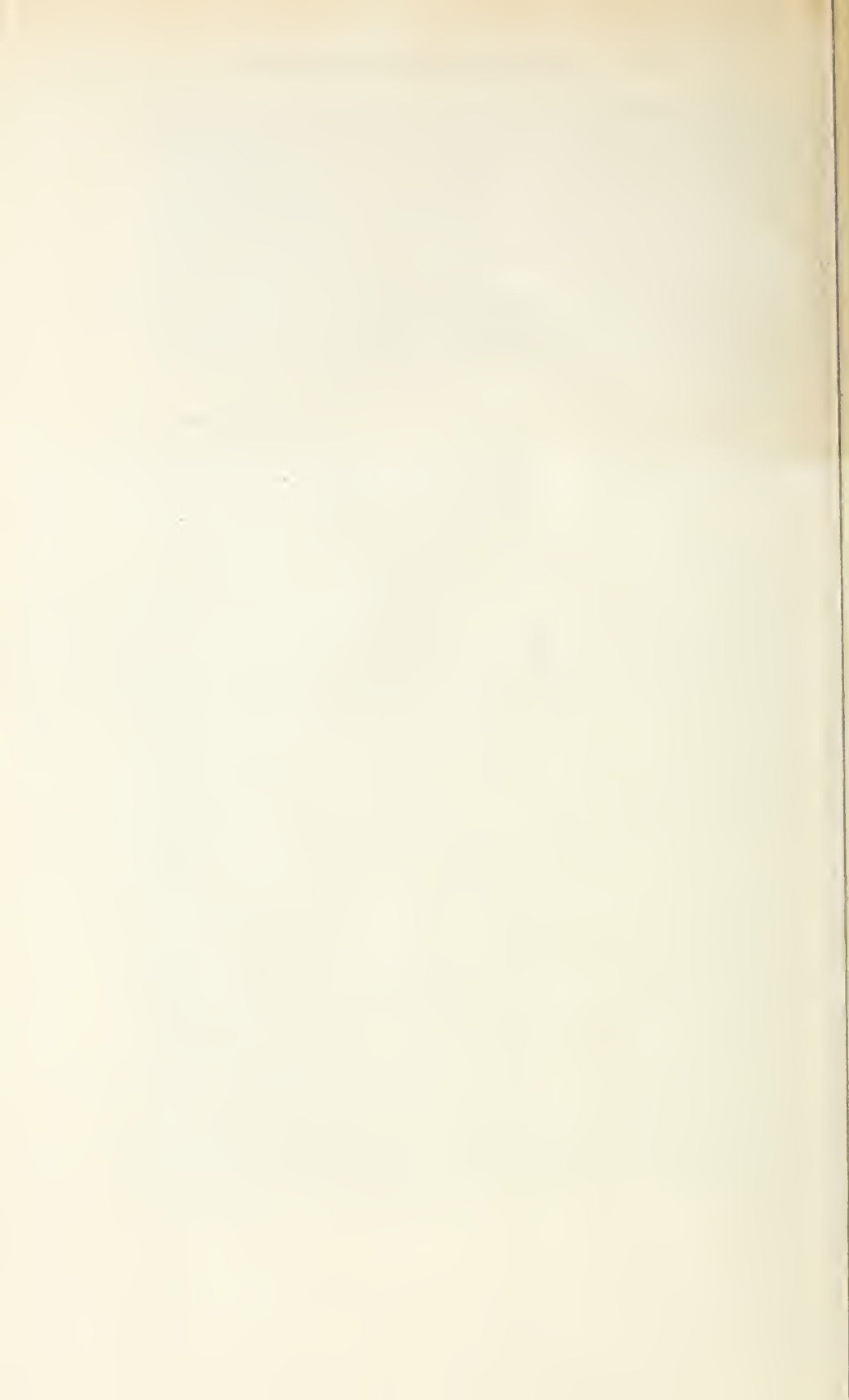
It is believed that the proposed bill adequately safeguards the interest of the United States and that it provides a proper remedy for the problem discussed above. Its favorable consideration by Congress is, therefore, recommended.

The Bureau of the Budget advises that it has no objection to the submission of this legislation for the consideration of the Congress.

Sincerely,

PAUL H. APPLEBY,  
*Acting Secretary.*

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payment of a uniform gratuity to gain officers recalled to active duty considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the Naval Reserve of 1938, as amended, is hereby further amended by inserting between sections 310 and 311 (52 Stat. 1183; 34 U. S. C. 855i) a new section 310a, to read as follows:

Sec. 310a. Commissioned and warrant officers on the honorary retired list of the Naval Reserve without pay shall, upon first report for active duty (other than for physical examination) in time of war or national emergency pursuant to orders of competent authority, be paid the sum of \$250 as a uniform allowance for the purchase of required uniforms in lieu of any other uniform gratuity allowed by law: *Provided*, That there shall be deducted from this allowance the amount of any uniform gratuity paid such officer in the 4 years immediately preceding his return to active duty."

Sec. 2. This act shall be effective as of September 8, 1939.

#### CONVEYANCE OF LAND IN YORKTOWN NAVAL MINE DEPOT RESERVATION

The bill (S. 1170) authorizing the conveyance to the State of Virginia, for highway purposes only, of a portion of the Naval Mine Depot Reservation at Yorktown, Va., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the Secretary of the Navy is hereby authorized to convey to the State of Virginia, for highway purposes only, upon such terms and conditions as he may prescribe, all right, title, and interest in that parcel of land of the Naval Mine Depot Reservation at Yorktown, York County, Virginia, containing 8.03 acres, more or less, metes and bounds description of which is on file in the Department.

#### FINES FOR VIOLATION OF MARITIME REGULATIONS

The bill (H. R. 2663) to provide a penalty for willful violation of regulations or orders respecting the protection and security of vessels, harbors, ports, or other front facilities was considered, ordered to a third reading, read the third time, and passed.

#### STAMPS COMMEMORATIVE OF THE ONE HUNDRED AND FIFTIETH ANNIVERSARY OF THE LAYING OF THE CAPITAL CORNERSTONE

The bill (S. 1076) to authorize the issuance of a special series of stamps commemorative of the one hundred and fiftieth anniversary of the laying of the cornerstone of the United States Capitol was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the Postmaster General is authorized and directed to issue a special series of 3-cent postage stamps, of such design as he shall prescribe, in commemoration of the one hundred and fiftieth anniversary of the laying of the cornerstone of the United States Capitol in the District of Columbia.

J. C. MUNN

The bill (S. 425) authorizing the Comptroller General of the United States to settle and adjust the claim of J. C. Munn as considered, ordered to be engrossed

for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the Comptroller General of the United States be, and he hereby is, authorized and directed to settle and adjust the claim of J. C. Munn for the amount of the obligations incurred by him as guardian of William Taylor Hicks, on the recommendation of a representative of the Veterans' Administration, in providing medical and nursing services, food, household furniture, and other necessities for his said ward, and to allow in full and final settlement of said claim a sum not to exceed \$171.75. There is hereby appropriated the sum of \$171.75, or so much thereof as may be necessary, for the payment of the claim: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

#### ROBERT NORHEIM

The Senate proceeded to consider the bill (S. 199) for the relief of Robert Norheim, which had been reported from the Committee on Claims with an amendment on page 1, line 6, after the words "sum of", to insert "\$202.68", so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Robert Norheim, of Dickinson, N. Dak., the sum of \$202.68, in full satisfaction of his claim against the United States for compensation for accrued sick leave earned while employed by the United States Department of Agriculture, his request for substitution of sick leave for annual leave, during an illness which was contracted after his resignation had been submitted but before the effective date thereof, having been denied because the Department of Agriculture had not approved the revocation of such resignation prior to its effective date: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### BILL PASSED OVER

The bill (S. 637) to authorize the appropriation of funds to assist the States and Territories in more adequately financing their systems of public education during emergency, and in reducing the inequalities of educational opportunities through public elementary and secondary schools, was announced as next in order.

Mr. REVERCOMB. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The clerk will state the next bill on the calendar.

The CHIEF CLERK. Calendar No. 333.

Mr. ELLENDER. Mr. President, I ask what became of Calendar No. 331, Senate bill 637?

The PRESIDING OFFICER. It was passed over on objection of the Senator from West Virginia.

Mr. ELLENDER. Does the Senator desire an explanation of the bill?

Mr. REVERCOMB. Mr. President, I should like an explanation.

Mr. BARKLEY. Is the bill referred to Calendar 331, Senate bill 637?

The PRESIDING OFFICER. The Senator is correct.

Mr. REED. I ask that the bill go over.

The PRESIDING OFFICER. The bill has been passed over.

#### COMPENSATION FOR INJURIES TO UNITED STATES EMPLOYEES

The bill (S. 636) to amend the act of September 7, 1916, providing compensation for injuries to employees of the United States, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the definition of the term "employee" in section 40 of the act approved September 7, 1916 (39 Stat. 750), as amended (5 U. S. C., 1940 ed., sec. 790), is amended to read as follows:

"The term 'employee' includes all civil employees of the United States, including postmasters of all classes, and of the Panama Railroad Co. and all persons, other than independent contractors and their employees, employed on the Menominee Indian Reservation in the State of Wisconsin, subsequent to September 7, 1916, in operations conducted pursuant to the act entitled 'An act to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on the Menominee Indian Reservation in the State of Wisconsin,' approved March 28, 1908, as amended, or any other act relating to tribal timber and logging operations on the Menominee Reservation."

#### BILL PASSED OVER

The bill (H. R. 1004) to relieve newspaper and periodical publications which have voluntarily suspended publication for the duration of the war from payment of second-class application fees upon resumption of publication, was announced as next in order.

Mr. REVERCOMB. I ask that the bill go over.

The PRESIDING OFFICER. On objection, the bill will be passed over.

#### ADJUSTMENT OF TITLE TO CERTAIN LANDS

The bill (H. R. 6) to authorize the Secretary of Agriculture to adjust title to lands acquired by the United States which are subject to his administrative custody, or control, was announced as next in order.

Mr. DANAHER. Mr. President, may we have an explanation of the bill, please?

Mr. SMITH. Mr. President, the Senator from Oregon [Mr. McNARY] has charge of this bill. It was considered by the Committee on Agriculture and Forestry. As the Senate is aware, for many years the Department of Agriculture has carried on relatively large land acquisition programs in connection with which there have occurred typographical errors in deeds, erroneous surveys of



tract boundaries, and so forth, resulting in land which it was not intended to take being taken by the Government. This bill is to make adjustments required because of erroneous surveys and for other reasons.

Mr. DANAHER. I thank the Senator from South Carolina, and I ask unanimous consent that the report of the committee be printed in full in the *Record* at this point.

There being no objection, the report (No. 327) was ordered to be printed in the *Record*, as follows:

The Committee on Agriculture and Forestry, to whom was referred the bill (H. R. 6) to authorize the Secretary of Agriculture to adjust titles to lands acquired by the United States which are subject to his administration, custody, or control, after having considered the same, report thereon favorably with the recommendation that the bill do pass.

An explanation of the bill is contained in the House Report No. 406 which is attached hereto and titled "Exhibit A."

#### EXHIBIT A

[H. Rept. No. 406, 78th Cong., 1st sess.]

The Committee on Agriculture, to whom was referred the bill (H. R. 6), to authorize the Secretary of Agriculture to adjust titles to lands acquired by the United States which are subject to his administration, custody, or control, having considered the same, report thereon with a recommendation that it do pass.

The proposed legislation has been requested by the Department of Agriculture, as will be noted from the following letter from the Acting Secretary:

DEPARTMENT OF AGRICULTURE,  
Washington, July 3, 1942.

The honorable the SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEAR MR. SPEAKER: There is enclosed for the consideration of Congress a draft of a bill entitled "A bill to authorize the Secretary of Agriculture to adjust titles to lands acquired by the United States which are subject to his administration, custody, or control." The need for the legislation arises out of the following circumstances:

For many years the Department of Agriculture has carried on relatively large land-acquisition programs under the authority of various acts of Congress, including among others the Weeks forestry law (36 Stat. 961) and the Bankhead-Jones Farm Tenant Act (50 Stat. 522). In connection with these programs, experience has shown that occasional mistakes will inevitably occur both in direct purchase and condemnation cases. Typographical errors in deeds to the United States and condemnation pleadings, erroneous surveys of tract boundaries, and mistakes in abstracting titles are typical of the errors which occur. Sometimes the result is that the United States takes a title which it did not intend to take and which its grantor did not intend to convey, although the land may have been owned by the grantor. In other instances, land owned by a third party is inadvertently described in a deed or condemnation proceeding and a cloud is thus cast upon his title. In these cases, obviously, full equity requires that the interest of the United States should be relinquished to the proper parties. In addition, in some cases not involving mistakes it is occasionally desirable to revert title in the Government's grantor. For example, sometimes a deed to the United States is executed and recorded before the title is approved by the Attorney General and it subsequently proves impossible to comply with the requirements of the Attorney General so as to complete the acquisition by direct purchase. In such a

case it may be more in the public interest to drop the acquisition and revert the title rather than institute condemnation proceedings. There are other less numerous circumstances under which extinguishment of the record interest of the United States would be equitable and desirable, but those mentioned will serve to illustrate the general problem with which this Department is concerned.

To cope with this problem adequately we believe that a general law similar to the enclosed draft, which would authorize the Secretary of Agriculture to quitclaim the interest of the United States under certain conditions, would be highly desirable. Although such authority already exists under some of the land-acquisition programs of this Department, it does not exist with respect to all such programs. In the past, where such authority does not exist, the Secretary has executed disclaimers of title, or in some cases special legislation relinquishing the interest of the United States has been obtained. Neither of these procedures, however, has been satisfactory. Disclaimers are of doubtful legal effect. To obtain special legislation is necessarily cumbersome and burdensome to the private parties involved, to the Department, and to Congress. That there is need for general legislation on this subject, therefore, seems clear.

A brief analysis of the proposed bill may be helpful. It will be noted first that the bill is drawn so as to be applicable to all lands acquired by the United States which are subject to the administration, custody, or control of the Secretary of Agriculture. Although, as indicated above, the authority which the bill would confer already exists with respect to some of the land-acquisition programs of this Department, either by express provision or by necessary implication, it is thought desirable to phrase the suggested legislation in general terms so as to avoid the possibility of inadvertently omitting some land-acquisition programs.

The bill would authorize the Secretary to quitclaim the interest of the United States in land subject to his administration upon either of two findings by him. One is a finding that title to the land is legally insufficient for the purposes for which it was acquired. This finding must be coupled with the fact that no consideration has been paid by the United States for the land involved. Upon such finding a reconveyance could be made where it is discovered after a deed has been taken that title cannot be cleared so as to complete the transaction by direct purchase and it is administratively preferable to drop the acquisition rather than resort to condemnation proceedings. The second is a finding that the title was acquired by mistake, misunderstanding, error, or inadvertence. The bill further provides, in effect, that if the quitclaim deed is in favor of the person from whom the United States acquired title, or his successor in interest, the United States shall be made whole for any consideration paid by it for the land being reconveyed. This means that the consideration given, whether cash or other property, would be required to be returned if possible. Otherwise, the value equivalent of the consideration as determined by the Secretary of Agriculture, either in cash or property, would be required to be paid or given to the United States. On the other hand, if the quitclaim deed is in favor of a third party whose title has been wrongfully clouded restitution of any consideration paid by the United States, of course, would not be a condition precedent to the execution and delivery of such deed. The reason for this is obvious. The bill also would limit the authority to quitclaim to a period of 10 years after the acquisition by the United States of the land involved. It is believed that this is sufficient time to allow for the adjustment of titles in cases of claims

made in good faith. To allow a longer period of time or to omit any time limitation would invite demands for restoration of titles in old claims when the officers of the Government who conducted the original transactions are no longer in the Government, or their recollection of the circumstances has become hazy, and when the departmental records relating to such transactions have become lost or destroyed.

It is believed that the proposed bill adequately safeguards the interest of the United States and that it provides a proper remedy for the problem discussed above. Its favorable consideration by Congress is, therefore, recommended.

The Bureau of the Budget advises that it has no objection to the submission of legislation for the consideration of the Congress.

Sincerely,

PAUL H. APPELBY,  
Acting Secretary

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

#### BILL PASSED OVER

The bill (S. 683) to provide for recognition of the services of the civil officials and employees, citizens of the United States engaged in and about the construction of the Panama Canal, was announced as next in order.

Mr. DANAHER. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

#### FEDERAL AID TO STATE OR TERRITORIAL SOLDIERS' AND SAILORS' HOMES

The bill (S. 861) to increase the amount of Federal aid to State or Territorial homes for the support of disabled soldiers and sailors of the United States was announced as next in order.

Mr. BARKLEY. Mr. President, may we have an explanation of the bill? I note that it was reported by the Senate from Washington [Mr. WALLGREN].

Mr. WALLGREN. I shall be glad to explain the bill.

Under the law, all States or Territories which have established, or which shall establish, State homes for disabled soldiers and sailors of the United States who served in the Civil War or in any previous or subsequent war who are disabled by age, disease, or otherwise, and by reason of such disability are incapable of earning a living, provided such disability was not incurred in service against the United States, shall be paid for every such disabled soldier or sailor who may be admitted and cared for in such home at the rate of \$240 per annum.

We had before the committee a bill providing that this amount be increased to \$540, but the committee recommended that it be reduced to \$300 or \$25 a month additional for each disabled soldier or sailor in these homes.

The present law further provides that the number of such persons for whose care any State or Territory shall receive payment shall be ascertained by the Administrator of Veterans' Affairs under such regulations as he may prescribe, but the State or Territorial homes shall be







[PUBLIC LAW 120—78TH CONGRESS]

[CHAPTER 197—1ST SESSION]

[H. R. 6]

AN ACT

To authorize the Secretary of Agriculture to adjust titles to lands acquired by the United States which are subject to his administration, custody, or control.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That if the Secretary of Agriculture shall find within ten years after the acquisition by the United States of any land or interest therein which is subject to his administration, custody, or control, other than land acquired by exchange of public domain land or resources, that the title thereto is legally insufficient for the purposes for which such land or interest was acquired and no consideration therefor has been paid by the United States, or that title or color of title to such land or interest was acquired through mistake, misunderstanding, error, or inadvertence, he is hereby authorized to execute and deliver on behalf of and in the name of the United States to the person from whom the title was acquired or to the person whom he finds entitled thereto a quitclaim deed to such land or interest: *Provided, however,* That if the person to whom such deed is made is the same person from whom the United States acquired title, or his successor in interest, any consideration given by the United States for such land or interest shall be restored or, in lieu thereof, the value equivalent of such consideration as determined by the Secretary of Agriculture shall be paid to the United States; and any consideration or value equivalent so restored or paid shall, so far as is practicable, be restored to the jurisdiction, or deposited to the credit, of the department, agency, appropriation, or fund from which the consideration was transferred or paid at the time of the acquisition of title by the United States.

Approved July 8, 1943.







